

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|------------------------|---|----------------------|
| NOAH GREENBERG, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. NO. 04-11934GAO |
| |) | |
| GANNETT FLEMING, INC., |) | |
| Defendant/ |) | |
| Cross-Claim Plaintiff, |) | |
| and |) | |
| TOWN OF FALMOUTH |) | |
| Defendant/ |) | |
| Cross-Claim Defendant. |) | |
| |) | |

TOWN OF FALMOUTH'S PRETRIAL DISCLOSURES

(A) Witnesses

In addition to each and every witness called by the other parties, Defendant Town of Falmouth ("Falmouth") expects to call the following witnesses:

1. William Owen; Mr. Owen can be reached through undersigned counsel as he is Falmouth's former DPW Director.
2. Jeff Alberti; Mr. Alberti is an employee of Defendant Gannett Fleming, Inc. ("G-F") and can be reached through counsel for G-F.
3. Robert Whritenour, Jr.; Mr. Whritenour can be reached through undersigned counsel as he is Falmouth's Town Administrator.
4. Peter Boyer; Mr. Boyer can be reached through undersigned counsel as he is Falmouth's former Falmouth Town Administrator.
5. Heather Harper; Ms. Harper can be reached through undersigned counsel as she is Falmouth's Assistant Town Administrator.

Falmouth cannot anticipate now what other witnesses it may need to call if the need arises.

(B) Witnesses (by Deposition)

Falmouth will proffer no trial witness's testimony by means of a deposition.

(C) Documents

In addition to each and every document identified by the other parties, Falmouth expects to admit into evidence the following documents:

1. Falmouth's Request for Proposals (Architectural Consultant Services) dated November 9, 1993.
2. Ad publicizing Falmouth's Request for Proposals.
3. Memo from Mr. Owen to Mr. Boyer dated January 20, 1994, regarding Architectural Consultant Services.
4. Letter from Mr. Owens to Plaintiff dated February 1, 1994, regarding Public Works Service Maintenance Facility.
5. Falmouth's Request for Qualifications (Architectural Design Services) dated May, 30, 2001, and June 6, 2001.
6. Contract between G-F and Falmouth (and its amendments).
7. Plaintiff's response to Falmouth's Request for Proposals (Architectural Consultant Services) dated December 9, 1993.
8. Letter from Plaintiff to Mr. Owen dated February 7, 2000, regarding reduced sized drawings.
9. Publication (dated May 18, 2001) of Falmouth's Request for Qualifications for Architectural Design Services.
10. Site Plan from Noah Greenberg Associates dated October 13, 1994.
11. Floor Plan A from Noah Greenberg Associates dated October 13, 1994.
12. Floor Plan B from Noah Greenberg Associates dated October 13, 1994.
13. Elevations from Noah Greenberg Associates dated October 13, 1994.
14. Letter from Mr. Nicholas to Mr. Owen dated April 1, 2003, regarding Plaintiff's claim.
15. Letter from Mr. Owen to Plaintiff dated August 5, 2001.
16. Job description of the DPW Director.

Falmouth cannot anticipate now what other documents it might admit if the need arises

The Defendant,
TOWN OF FALMOUTH,
By its attorneys,

PIERCE, DAVIS & PERRITANO, LLP

/s/ Daniel G. Skrip
John J. Davis, BBO #115890
Daniel G. Skrip, BBO #629784
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Boston, MA 02110
(617) 350-0950

Dated: May 19, 2006

CERTIFICATE OF SERVICE

I, Daniel G. Skrip, hereby certify that on this 19th day of May, 2006, this document was served by e-mail on all counsel of record.

/s/ Daniel G. Skrip
Attorney Daniel G. Skrip